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*Draft: August 13, 2019*

**GROUND WATER QUALITY BUREAU (GWQB)  
DISCHARGE PERMIT RENEWAL AND MODIFICATION  
Issued under 20.6.2 NMAC**

**Facility Name:** Town of Hagerman Wastewater Treatment Facility  
**GWQB Discharge Permit Number:** DP-760  
**GWQB TEMPO AI Number:** 2436

**Permittee Name/Responsible Party:** Town of Hagerman  
**Mailing Address:** P.O. Box 247  
Hagerman, NM 88232

**Facility Contact:** Tony Garcia, Mayor  
**Facility Contact Telephone Number:** (575) 752-3204  
**Facility Location:** 700 Navajo Road  
Hagerman, NM

**County:** Chaves

**Permitting Action:** Renewal and Modification

**Permit Effective Date:** TBD  
**Permit Expiration Date:** TBD

**NMED Permit Contact:** Sara Arthur, Geoscientist  
**NMED Contact Telephone Number:** (505) 222-9535  
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**MICHELLE HUNTER**  
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**Date**

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**GROUND WATER DISCHARGE PERMIT RENEWAL and MODIFICATION**  
**Town of Hagerman Wastewater Treatment Facility, DP-760**

*Draft: August 13, 2019*

**I. INTRODUCTION**

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal and Modification (Discharge Permit), DP-760, to the Town of Hagerman (permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§74-6-1 through 74-6-17, and the New Mexico Water Quality Control Commission (WQCC) Ground and Surface Water Protection Regulations, 20.6.2 NMAC.

NMED's purpose in issuing this Discharge Permit, and in imposing the requirements and conditions specified herein, is to control the discharge of water contaminants from the Town of Hagerman Wastewater Treatment Facility (facility) in order to protect groundwater and those segments of surface water gaining from ground water inflow for present and potential future use as domestic and agricultural water supply and other uses, and to protect public health. In issuing this Discharge Permit, NMED has determined that the requirements of Subsection C of 20.6.2.3109 NMAC have been met. Pursuant to Section 20.6.2.3104 NMAC, it is the responsibility of the permittee to comply with the terms and conditions of this Discharge Permit; failure may result in enforcement action by NMED (20.6.2.1220 NMAC).

The activities that produce the discharge, the location of the discharge, and the quantity, quality and flow characteristics of the discharge are briefly described as follows.

Up to 81,200 gallons per day (gpd) of domestic wastewater is pumped to a system of impoundments with clay lined bottoms and side slopes lined with concrete mixed with polypropylene fibers prior to discharge by center pivot to up to 62 acres of rangeland. The permit modification consists of an increase in the maximum daily discharge volume from 65,000 gpd to 81,200 gpd and the addition of a land application area as a new discharge location.

The discharge contains water contaminants that may be elevated above the standards of Section 20.6.2.3103 NMAC. Data collected from on-site monitoring wells document groundwater contamination attributed to one or more sources at this facility. Groundwater quality standards for nitrate nitrogen (NO<sub>3</sub>-N), chloride (Cl) and total dissolved solids (TDS) have been exceeded according to the criteria of Sections 20.6.2.3101 and 20.6.2.3103 NMAC. This Discharge Permit contains requirements, actions and/or contingencies intended to control the source(s) of documented groundwater contamination. In particular, this Discharge Permit requires repair of the existing liners and installation of synthetic liners on top of the existing liners in Lagoons 1, 2, 3, 4, 5 and 6, and the development of a land application area for the discharge of excess treated wastewater.

The facility is located at 700 Navajo Road, Hagerman, in Sections 2 and 10, Township 14 South, Range 26 East, Chaves County. Groundwater most likely to be affected is at a depth of approximately 29 feet and has a TDS concentration of approximately 2,000 milligrams per liter.

The original Discharge Permit was issued on January 15, 1991, and subsequently: renewed on September 5, 1997, renewed and modified on March 12, 2004, and renewed on August 13, 2010. The application (i.e., discharge plan) consists of the materials submitted by Cliff Waide on behalf of the permittee dated April 18, 2016, and materials contained in the administrative record prior to issuance of this Discharge Permit. The discharge shall be managed in accordance with all conditions and requirements of this Discharge Permit.

Pursuant to Section 20.6.2.3109 NMAC, NMED reserves the right to require a Discharge Permit Modification in the event NMED determines that the requirements of 20.6.2 NMAC are being or may be violated or the standards of Section 20.6.2.3103 NMAC are being or may be violated. This may include a determination that structural controls and/or management practices approved under this Discharge Permit are not protective of groundwater quality, and that more stringent requirements to protect groundwater quality may be required by NMED. The permittee may be required to implement abatement of water pollution and remediate groundwater quality.

Issuance of this Discharge Permit does not relieve the permittee of the responsibility to comply with the WQA, WQCC Regulations, and any other applicable federal, state and/or local laws and regulations, such as zoning requirements and nuisance ordinances.

The following acronyms and abbreviations may be used in this Discharge Permit.

Abbreviation	Explanation	Abbreviation	Explanation
BOD <sub>5</sub>	biochemical oxygen demand (5-day)	NMED	New Mexico Environment Department
CFR	Code of Federal Regulations	NMSA	New Mexico Statutes Annotated
CFU	Colony Forming Unit	NO <sub>3</sub> -N	nitrate-nitrogen
Cl	chloride	NTU	nephelometric turbidity units
EPA	United States Environmental Protection Agency	TDS	total dissolved solids
gpd	gallons per day	TKN	total Kjeldahl nitrogen
LAA	land application area	total nitrogen	= TKN + NO <sub>3</sub> -N
LADS	land application data sheet(s)	TRC	total residual chlorine
mg/L	milligrams per liter	TSS	total suspended solids
mL	milliliters	WQA	New Mexico Water Quality Act
MPN	Most Probable Number	WQCC	Water Quality Control Commission
NMAC	New Mexico Administrative Code	WWTF	Wastewater Treatment Facility

## II. FINDINGS

In issuing this Discharge Permit, NMED finds the following.

1. The permittee is discharging effluent or leachate from the facility so that such effluent or leachate may move directly or indirectly into groundwater within the meaning of Section 20.6.2.3104 NMAC.
2. The permittee is discharging effluent or leachate from the facility so that such effluent or leachate may move into groundwater of the State of New Mexico that has an existing concentration of 10,000 mg/L or less of TDS within the meaning of Subsection A of 20.6.2.3101 NMAC.
3. The discharge from the facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC.

### **III. AUTHORIZATION TO DISCHARGE**

Pursuant to 20.6.2.3104 NMAC, it is the responsibility of the permittee to ensure that discharges authorized by this Discharge Permit are consistent with the terms and conditions herein.

The permittee is authorized to discharge up to 81,200 gpd of domestic wastewater to an impoundment system prior to land application by center pivot irrigation on up to 62 acres of rangeland. The permittee is also authorized to temporarily store in Lagoon 4 the sludge removed from the impoundments undergoing liner construction. [20.6.2.3104 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection C of 20.6.2.3109 NMAC]

### **IV. CONDITIONS**

NMED issues this Discharge Permit for the discharge of water contaminants subject to the following conditions.

#### **A. OPERATIONAL PLAN**

#	Terms and Conditions
1.	The permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 2 and 4 NMAC.  [Subsection C of 20.6.2.3109 NMAC]
2.	The permittee shall operate in a manner such that standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC are not violated.  [20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]

***Operational Actions with Implementation Deadlines***

#	Terms and Conditions
3.	<p>The permittee shall submit final construction plans and specifications a minimum of 90 days prior to repair of the impoundment system liners, installation of synthetic liners, grading and preparation of the land application area fields, and installation of the center pivot irrigation systems. The construction plans and specifications shall bear the seal and signature of a licensed New Mexico professional engineer (pursuant to New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority) and supporting design calculations and shall be submitted for review by NMED. The submitted documentation shall include the following elements.</p> <ul style="list-style-type: none"> <li>a) Details for the repair of the clay and concrete liners, and installation of synthetic liners in the impoundment system consistent with the attachment titled <i>Ground Water Discharge Permit Conditions for Synthetically Lined Lagoons – Liner Material and Site Preparation</i>, Revision 0.0, May 2007.</li> <li>b) Schedule for phased repair of the clay and concrete liners and installation of a synthetic liner for each impoundment.</li> <li>c) Details of all wastewater system components (e.g., lift stations, valves, transfer lines, process units and associated details), including any new or retrofitted components for the repaired and synthetically lined impoundment system, new land application area fields, and any components proposed for abandonment.</li> <li>d) The infrastructure necessary to discharge treated wastewater to each land application area field by center pivot irrigation and method of backflow prevention (if applicable).</li> <li>e) Flow meter to measure the volume of treated wastewater discharged from the impoundment system to the land application area.</li> <li>f) Specifications for all equipment, materials and installation procedures to be used in the construction of the wastewater system.</li> <li>g) Fences around the land application area to control access by the general public and animals. The fences shall consist of a minimum of four-strand barbed wire and a locking gate, or other access controls approved by NMED.</li> <li>h) Berms 18 to 24 inches high around the fields within the land application area to prevent surface water run-on and run-off.</li> </ul> <p>Prior to repair of the impoundment system liners, installation of the synthetic liners and installation of the center pivot irrigation system and associated components, the permittee shall obtain written verification from NMED that the plans and specifications meet the requirements of this Discharge Permit.</p> <p>[Subsections A and C 20.6.2.1202 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection C of 20.6.2.3107 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
4.	<p>Prior to discharging to each repaired and synthetically lined impoundment, and the new land application area fields, the permittee shall complete construction in accordance</p>

#	Terms and Conditions
	<p>with the final construction plans and specifications required by this Discharge Permit. The permittee shall notify NMED at least five working days prior to commencement of construction to allow NMED personnel to be onsite for inspection. The permittee shall submit record drawings that bear the seal and signature of a licensed New Mexico professional engineer (pursuant to the New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority) for the constructed impoundment system repairs, installation of synthetic liners and center pivot irrigation systems to NMED within 30 days of completion.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, Subsection C of 20.6.2.3109 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
5.	<p>Prior to discharging to the land application area, the permittee shall post signs in English and Spanish at all fields in the land application area. The signs shall be posted at the entrance to land application fields and at other locations where public exposure to treated domestic wastewater may occur. The signs shall state: <b>NOTICE: THIS AREA IS IRRIGATED WITH TREATED WASTEWATER - DO NOT DRINK. AVISO: ESTA ÁREA ESTÁ REGADA CON AGUAS NEGRAS RECOBRADAS - NO TOMAR.</b> Alternate wording and/or graphics may be submitted to NMED for approval.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>

***Operating Conditions***

#	Terms and Conditions						
6.	<p>Treated domestic wastewater discharged from the impoundment system to the land application area shall not exceed the following discharge limits.</p> <table><tr><td><u>Test</u></td><td><u>30-day Average</u></td><td><u>Maximum</u></td></tr><tr><td>Fecal coliform</td><td><b>1,000 CFU or MPN/100 mL</b></td><td><b>5,000 CFU or MPN/100 mL</b></td></tr></table> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>	<u>Test</u>	<u>30-day Average</u>	<u>Maximum</u>	Fecal coliform	<b>1,000 CFU or MPN/100 mL</b>	<b>5,000 CFU or MPN/100 mL</b>
<u>Test</u>	<u>30-day Average</u>	<u>Maximum</u>					
Fecal coliform	<b>1,000 CFU or MPN/100 mL</b>	<b>5,000 CFU or MPN/100 mL</b>					
7.	<p>The permittee shall apply treated domestic wastewater by center pivot irrigation evenly throughout the entire land application area such that the amount of total nitrogen applied does not exceed 200 pounds per acre in any rolling 12-month period. Excessive ponding shall be prevented. Nitrogen content shall not be adjusted to account for volatilization or mineralization processes.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>						

#	Terms and Conditions
8.	<p>The permittee shall meet the following general requirements for the land application of treated domestic wastewater.</p> <ul style="list-style-type: none"> <li>a) The permittee shall maintain signs in English and Spanish at all land application areas such that they are visible and legible for the term of this Discharge Permit. The signs shall be posted at the entrance to land application fields and at other locations where public exposure to treated domestic wastewater may occur. The signs shall state: <b>NOTICE: THIS AREA IS IRRIGATED WITH TREATED WASTEWATER - DO NOT DRINK. AVISO: ESTA ÁREA ESTÁ REGADA CON AGUAS NEGRAS RECOBRADAS - NO TOMAR.</b> Alternate wording and/or graphics may be submitted to NMED for approval.</li> <li>b) The treated domestic wastewater application systems shall have no direct or indirect cross connections with public water systems or irrigation wells pursuant to the latest revision of the New Mexico Plumbing Code (14.8.2 NMAC) and New Mexico Mechanical Code (14.9.2 NMAC).</li> <li>c) The land application of treated domestic wastewater shall not result in excessive ponding of wastewater. Land application shall not be conducted at times when the land application area is saturated or frozen.</li> <li>d) The discharge of treated domestic wastewater shall be confined to the land application area.</li> <li>e) The discharge of treated domestic wastewater to crops for human or milk producing animal consumption is prohibited.</li> <li>f) Water supply wells within 200 feet of a land application area shall have adequate wellhead construction pursuant to 19.27.4 NMAC. Land application shall be managed to ensure protection of groundwater quality.</li> </ul> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
9.	<p>The permittee shall meet the following setbacks and access restrictions for land application using treated domestic wastewater.</p> <ul style="list-style-type: none"> <li>a) A minimum 100-foot setback shall be maintained between any dwellings or occupied establishments and the edge of the land application area.</li> <li>b) Irrigation using treated domestic wastewater shall be postponed at times when windy conditions may result in drift of wastewater outside the land application area.</li> <li>c) The permittee shall manage the land application of treated domestic wastewater in a manner that minimizes public contact.</li> <li>d) Public access to the land application area shall be restricted by perimeter fencing using four-strand barbed wire and a locking gate, or other access controls approved by NMED.</li> <li>e) Fodder, fiber and seed crops for milk producing animals shall not be irrigated with treated domestic wastewater.</li> </ul> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>

#	Terms and Conditions
10.	<p>The permittee shall maintain 18 to 24-inch berms around the land application area to prevent surface water run-on and run-off. The berms shall be inspected on a regular basis and after any major precipitation event and repaired as necessary.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
11.	<p>The permittee shall maintain fences around the impoundment system to control access by the general public and animals. The fences shall consist of a minimum of six-foot chain link or field fencing and locking gates. Fences shall be maintained throughout the term of this Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
12.	<p>The permittee shall maintain signs indicating that the wastewater at the impoundment system is not potable. Signs shall be posted at the facility entrance and other areas where there is potential for public contact with wastewater. All signs shall be printed in English and Spanish and shall remain visible and legible for the term of this Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
13.	<p>The permittee shall maintain the impoundment liners in such a manner as to avoid conditions that could affect the liner or the structural integrity of the impoundments. Such conditions include or may be characterized by the following:</p> <ul style="list-style-type: none"> <li>• erosion damage;</li> <li>• animal burrows or other damage;</li> <li>• the presence of vegetation including aquatic plants, weeds, woody shrubs or trees growing within five feet of the top inside edge of a sub-grade impoundment, within five feet of the toe of the outside berm of an above-grade impoundment, or within the impoundment itself;</li> <li>• the presence of large debris or large quantities of debris in the impoundment;</li> <li>• evidence of seepage; or</li> <li>• evidence of berm subsidence.</li> </ul> <p>Vegetation growing around the impoundments shall be routinely controlled by mechanical removal in a manner that is protective of the impoundment liner.</p> <p>The permittee shall visually inspect the impoundments and surrounding berms on a monthly basis to ensure proper maintenance. In the event that inspection reveals any evidence of damage that threatens the structural integrity of an impoundment berm or liner, or that may result in an unauthorized discharge, the permittee shall enact the contingency plan set forth in this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

#	Terms and Conditions
14.	<p>The permittee shall preserve a minimum of two feet of freeboard between the liquid level in the impoundments and the elevation of the top of the impoundment liners. In the event that the permittee determines that two feet of freeboard cannot be preserved in the impoundment, the permittee shall enact the contingency plan set forth in this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
15.	<p>The permittee shall inspect the lift station(s) and clean the station(s) as needed to prevent pump failure. The permittee shall maintain a record of lift station inspections, repairs and cleanings and make them available to NMED upon request.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
16.	<p>The permittee shall utilize operators, certified by the State of New Mexico at the appropriate level pursuant to 20.7.4 NMAC, to operate the wastewater collection, treatment and disposal systems. The operations and maintenance of all or any part of the wastewater system shall be performed by, or under the direct supervision of, a certified operator.</p> <p>[Subsection C of 20.6.2.3109 NMAC, 20.7.4 NMAC]</p>

## B. MONITORING AND REPORTING

#	Terms and Conditions
17.	<p>The permittee shall conduct the following monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
18.	<p><b>METHODOLOGY</b> – Unless otherwise specified by this Discharge Permit, or approved in writing by NMED, the permittee shall use sampling and analytical techniques that conform with the references listed in Subsection B of 20.6.2.3107 NMAC.</p> <p>[Subsection B of 20.6.2.3107 NMAC]</p>
19.	<p>Quarterly monitoring shall be performed during the following periods and reports submitted to NMED as follows:</p> <ul style="list-style-type: none"> <li>• January 1<sup>st</sup> through March 31<sup>st</sup> – <b>due by May 1<sup>st</sup></b>;</li> <li>• April 1<sup>st</sup> through June 30<sup>th</sup> – <b>due by August 1<sup>st</sup></b>;</li> <li>• July 1<sup>st</sup> through September 30<sup>th</sup> – <b>due by November 1<sup>st</sup></b>; and</li> <li>• October 1<sup>st</sup> through December 31<sup>st</sup> – <b>due by February 1<sup>st</sup></b>.</li> </ul>

#	Terms and Conditions
	[Subsection A of 20.6.2.3107 NMAC]

***Monitoring Actions with Implementation Deadlines***

#	Terms and Conditions
20.	<p>Prior to discharging from the impoundment system to the land application area, the permittee shall install the following flow meter.</p> <ol style="list-style-type: none"> <li>One totalizing flow meter installed on the discharge line from the impoundment system to the land application area to measure the volume of domestic wastewater discharged to the land application area.</li> </ol> <p>Confirmation of meter installation, type, calibration and location shall be submitted to NMED prior to discharging to the land application area.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
21.	<p>Prior to discharging to the land application area, the permittee shall submit a written monitoring well location proposal for review and approval by NMED. The proposal shall designate the locations of the monitoring well required to be installed by Condition 22 of this Discharge Permit. The proposal shall include, at a minimum, the following information.</p> <ol style="list-style-type: none"> <li>A map showing the proposed location of the monitoring well from the boundary of the source it is intended to monitor.</li> <li>A written description of the specific location proposed for the monitoring well including the distance (in feet) and direction of the monitoring well from the edge of the source it is intended to monitor. Examples include: 35 feet north-northwest of the northern berm of the synthetically lined impoundment; 45 feet due south of the leachfield; 30 feet southeast of the re-use area 150 degrees from north.</li> <li>A statement describing the groundwater flow direction beneath the facility, and documentation and/or data supporting the determination.</li> </ol> <p>All monitoring well locations shall be approved by NMED prior to installation.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
22.	<p>Prior to discharging to the land application area, the permittee shall install the following new monitoring well.</p> <ol style="list-style-type: none"> <li>One monitoring well (MW-7) located 20 to 50 feet hydrologically downgradient of the land application area.</li> </ol> <p>The wells shall be completed in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>,</p>

#	Terms and Conditions
	<p>Revision 1.1, March 2011. Construction and lithologic logs shall be submitted to NMED within 30 days of well completion.</p> <p>Unless otherwise noted in this Discharge Permit, the requirement to install a monitoring well downgradient of a source is <u>not</u> contingent upon construction of the facility, or discharge of wastewater from the facility.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
23.	<p>Prior to discharging to the land application area and following the installation of the monitoring well required by this Discharge Permit, the permittee shall sample groundwater in the well and analyze the samples for TKN, NO<sub>3</sub>-N, TDS and Cl.</p> <p>Groundwater sample collection, preservation, transport and analysis shall be performed according to the following procedure.</p> <ol style="list-style-type: none"> <li>Measure the depth-to-most-shallow groundwater from the top of the well casing to the nearest hundredth of a foot.</li> <li>Purge three well volumes of water from the well prior to sample collection.</li> <li>Obtain samples from the well for analysis.</li> <li>Properly prepare, preserve and transport samples.</li> <li>Analyze samples in accordance with the methods authorized in this Discharge Permit.</li> </ol> <p>Well completion report (including the Office of the State Engineer permit), depth-to-most-shallow groundwater measurements, analytical results, including the laboratory QA/QC summary report, and a facility layout map showing the location and number of each well shall be submitted to NMED within 45 days of the installation of the monitoring well.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
24.	<p>Within 60 days following the installation of the monitoring well required by this Discharge Permit, the permittee shall survey all wells approved by NMED for Discharge Permit monitoring purposes to a U.S. Geological Survey (USGS) or other permanent benchmark. Survey data shall include northing, easting and elevation to the nearest hundredth of a foot or shall be in accordance with the “Minimum Standards for Surveying in New Mexico” (12.8.2 NMAC). A survey elevation shall be established at the top-of-casing, with a permanent marking indicating the point of survey. The survey shall bear the seal and signature of a licensed New Mexico professional surveyor (pursuant to the New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority).</p> <p>Depth-to-most-shallow groundwater shall be measured to the nearest hundredth of a foot in all surveyed wells and referenced to mean sea level, and the data shall be used</p>

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	<p>to develop a groundwater elevation contour map showing the location of all monitoring wells and the direction and gradient of groundwater flow at the facility. The data and groundwater elevation contour map shall be submitted to NMED within 30 days of survey completion.</p> <p>[Subsection A of 20.6.2.3107 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>

***Ground Water Monitoring Conditions***

#	Terms and Conditions
25.	<p>The permittee shall perform quarterly groundwater sampling in the following monitoring wells and analyze the samples for TKN, NO<sub>3</sub>-N, TDS and Cl.</p> <ul style="list-style-type: none"> <li>a) MW-1, located southwest of Lagoon #1.</li> <li>b) MW-2, located southwest of Lagoon #2 and northwest of Lagoon #1.</li> <li>c) MW-3, located northeast of Lagoon #2 and northwest of Lagoon #3.</li> <li>d) MW-4, located northeast of Lagoon #3</li> <li>e) MW-5, located southeast of Lagoon #3 and northeast of Lagoon #5</li> <li>f) MW-6, located southeast of Lagoon #5 and northeast of Lagoon #6</li> <li>g) MW-7, intended to be located hydrologically downgradient of the land application area</li> </ul> <p>Groundwater sample collection, preservation, transport and analysis shall be performed according to the following procedure.</p> <ul style="list-style-type: none"> <li>a) Measure the depth-to-most-shallow groundwater from the top of the well casing to the nearest hundredth of a foot.</li> <li>b) Purge three well volumes of water from the well prior to sample collection.</li> <li>c) Obtain samples from the well for analysis.</li> <li>d) Properly prepare, preserve and transport samples.</li> <li>e) Analyze samples in accordance with the methods authorized in this Discharge Permit.</li> </ul> <p>Depth-to-most-shallow groundwater measurements, analytical results, including the laboratory QA/QC summary report, and a facility layout map showing the location and number of each well shall be submitted to NMED in the quarterly monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
26.	<p>The permittee shall develop a groundwater elevation contour map on a quarterly basis using the top of casing elevation data from the monitoring well survey and quarterly depth-to-most-shallow groundwater measurements, referenced to mean sea level, obtained from the groundwater monitoring wells required by this Discharge Permit.</p>

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	<p>The groundwater elevation contour map shall depict the groundwater flow direction based on the groundwater elevation contours. Groundwater elevations between monitoring well locations shall be estimated using common interpolation methods. A contour interval appropriate to the data shall be used, but the interval shall, in no case, be greater than two feet. Groundwater elevation contour maps shall depict the groundwater flow direction, using arrows, based on the orientation of the groundwater elevation contours, and the location and identification of each monitoring well and contaminant source. The groundwater elevation contour map shall be submitted to NMED in the quarterly monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
27.	<p>NMED shall have the option to perform downhole inspections of all monitoring wells identified in this Discharge Permit. NMED shall establish the inspection date and provide at least a 60-day notice to the permittee by certified mail. The permittee shall have any existing dedicated pumps removed at least 48 hours prior to NMED inspection to allow adequate settling time of sediment agitated from pump removal.</p> <p>Should a facility not have existing dedicated pumps but decide to install pumps in any of the monitoring wells, NMED shall be notified at least 90 days prior to pump installation so that a downhole well inspection(s) can be scheduled prior to pump placement.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>

***Facility Monitoring Conditions***

#	Terms and Conditions
28.	<p>The permittee shall estimate the monthly volume of domestic wastewater received by the impoundment system. The pumping rate of the influent pumps located at the lift station prior to the impoundment system shall be obtained from the manufacturer specifications or by documented field assessment. The total run time for each pump shall be logged on an hours recorder. The permittee shall record the pump run hours on a monthly basis (pump operating time) and multiply the time by the pumping rate to calculate the estimated monthly influent volume by the formula below.</p> $(\text{pumping rate}) \times (\text{monthly pump operating time}) = \text{estimated monthly influent volume}$ <p>The estimated monthly influent volume shall be used to calculate the average daily influent volume by the formula below.</p> $\text{estimated monthly influent volume} \div \text{number of days between readings} = \text{average daily influent volume}$

#	Terms and Conditions
	<p>The record of the monthly operating time for the pump(s), pumping rate and estimated monthly and average daily influent volume shall be submitted to NMED in the quarterly monitoring reports. The hours recorder shall be kept functional at all times.</p> <p>* Should more than one pump/hours recorder assembly exist at the facility, the permittee shall calculate the estimated monthly volume for the facility by adding the estimated monthly volume determined for each pump/hours recorder assembly. This summation should be completed prior to calculating the average daily volume for the facility.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
29.	<p>The permittee shall measure the monthly volume discharged to <i>each</i> field within the land application area using a totalizing flow meter. The meter shall be located on the transfer line between the impoundment system and the land application area.</p> <p>The permittee shall maintain a log that records the date that discharges occur to <i>each</i> field, monthly totalizing meter readings and units of measurement. The log shall be used to calculate the total monthly volume of treated domestic wastewater discharged to <i>each</i> field. The monthly volume discharged to <i>each</i> location shall be used on the LADS to calculate nitrogen loading. A copy of the log shall be submitted to NMED in the quarterly monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
30.	<p>All flow meters shall be capable of having their accuracy verified under actual working (field) conditions. A field verification method shall be developed for each flow meter and that method shall be used to check the accuracy of each respective meter. Field calibrations shall be performed upon repair or replacement of a flow measurement device and, at a minimum, within 90 days of the effective date of this Discharge Permit (<b>by DATE</b>), and then every other year thereafter.</p> <p>Flow meters shall be calibrated to within plus or minus 10 percent of actual flow, as measured under field conditions. Field calibrations shall be performed by an individual knowledgeable in flow measurement and in the installation/operation of the particular device in use. A flow meter calibration report shall be prepared for each flow measurement device at the frequency calibration is required. The flow meter calibration report shall include the following information.</p> <ol style="list-style-type: none"> <li>The location and meter identification.</li> <li>The method of flow meter field calibration employed.</li> <li>The measured accuracy of each flow meter prior to adjustment indicating the positive or negative offset as a percentage of actual flow as determined by an in-field calibration check.</li> <li>The measured accuracy of each flow meter following adjustment, if necessary, indicating the positive or negative offset as a percentage of actual flow of the meter.</li> </ol>

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	<p>e) Any flow meter repairs made during the previous year or during field calibration.</p> <p>The permittee shall maintain records of flow meter calibration(s) at a location accessible for review by NMED during facility inspections.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
31.	<p>The permittee shall visually inspect flow meters on a monthly basis for evidence of malfunction. If a visual inspection indicates a flow meter is not functioning as required by this Discharge Permit, the permittee shall repair or replace the meter within 30 days of discovery. For <i>repaired</i> meters, the permittee shall submit a report to NMED with the next monitoring report following the repair that includes a description of the malfunction; a statement verifying the repair; and a flow meter field calibration report completed in accordance with the requirements of this Discharge Permit. For <i>replacement</i> meters, the permittee shall submit a report to NMED with the next monitoring report following the replacement that includes a design schematic for the device and a flow meter field calibration report completed in accordance with the requirements of this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
32.	<p>The permittee shall collect samples of treated domestic wastewater from the discharge of the final impoundment to the land application area on a quarterly basis and analyze the samples for:</p> <ul style="list-style-type: none"> <li>• TKN;</li> <li>• NO<sub>3</sub>-N;</li> <li>• TDS; and</li> <li>• Cl.</li> </ul> <p>In the event that no discharge occurs during the entire quarterly period, the permittee shall collect a composite wastewater sample from the final impoundment and analyze the sample for TKN, NO<sub>3</sub>-N, TDS, and Cl. The composite sample shall consist of a minimum of six equal aliquots collected around the entire perimeter of the impoundment and thoroughly mixed.</p> <p>Samples shall be properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. Analytical results shall be submitted to NMED in the quarterly monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
33.	<p>During any month that the discharge of treated domestic wastewater occurs, the permittee shall perform the following analyses on wastewater samples collected from</p>

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	<p>the discharge of the final impoundment to the land application area using the following sampling method and frequency:</p> <ul style="list-style-type: none"> <li>• Fecal coliform bacteria: grab sample at peak daily flow once per month;</li> </ul> <p>Samples shall be properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. Analytical results shall be submitted to NMED in the quarterly monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections B, C and H of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
34.	<p>The permittee shall complete LADS (copy enclosed) on a monthly basis that document the amount of nitrogen applied to <i>each</i> field in the land application area during the most recent 12 months. The LADS shall reflect the total nitrogen concentration from the most recent wastewater analysis and the measured discharge volumes to <i>each</i> field for each month. The LADS shall be completed with information above or shall include a statement that application of wastewater did not occur. The LADS shall be submitted to NMED in the quarterly monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

### C. CONTINGENCY PLAN

#	Terms and Conditions
35.	<p>In the event that groundwater monitoring indicates that a groundwater quality standard identified in Section 20.6.2.3103 NMAC is exceeded, the permittee shall collect a confirmatory sample from the monitoring well within 15 days of receipt of the initial sampling results to confirm the initial sampling results.</p> <p>Within 60 days of confirmation of groundwater contamination, the permittee shall submit to NMED a Corrective Action Plan that proposes, at a minimum, source control measures and an implementation schedule. The Plan shall be enacted as approved by NMED.</p> <p>Once invoked (whether during the term of this Discharge Permit, or after the term of this Discharge Permit and prior to the completion of the Discharge Permit closure plan requirements), this condition shall apply until the permittee has fulfilled the requirements of this condition and groundwater monitoring confirms for a minimum of eight (8) consecutive quarterly samples that the standards of Section 20.6.2.3103 NMAC are not exceeded in groundwater.</p>

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	<p>If the groundwater standard continues to be violated 180 days after the confirmation of groundwater contamination, the permittee may be required to abate water pollution consistent with the requirements and provisions of Section 20.6.2.4101, Section 20.6.2.4103, Subsections C and E of 20.6.2.4106, Section 20.6.2.4107, Section 20.6.2.4108 and Section 20.6.2.4112 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>
36.	<p>In the event that information available to NMED indicates that a well is not constructed in a manner consistent with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011; contains insufficient water to effectively monitor groundwater quality; or is not completed in a manner that is protective of groundwater quality, the permittee shall install a replacement well(s) within 120 days following notification from NMED.</p> <p>The permittee shall survey the replacement monitoring well(s) within 150 days following notification from NMED.</p> <p>Replacement well locations shall be approved by NMED prior to installation and completed in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011. The permittee shall submit construction and lithologic logs, survey data and a groundwater elevation contour map to NMED within 60 days following well completion.</p> <p>Upon completion of the replacement monitoring well, the monitoring well requiring replacement shall be properly plugged and abandoned. Well plugging, abandonment and documentation of the abandonment procedures shall be completed in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011, and all applicable local, state, and federal regulations. The well abandonment documentation shall be submitted to NMED within 60 days of completion of well plugging activities.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
37.	<p>In the event that groundwater flow information obtained pursuant to this Discharge Permit indicates that a monitoring well is not located hydrologically downgradient of the discharge location it is intended to monitor, the permittee shall install a replacement well within 120 days following notification from NMED. The permittee shall survey the replacement monitoring well within 150 days following notification from NMED.</p> <p>Replacement well locations shall be approved by NMED prior to installation and completed in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March</p>

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	<p>2011. The permittee shall submit construction and lithologic logs, survey data and a groundwater elevation contour map within 30 days following well completion.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
38.	<p>In the event that analytical results of a treated domestic wastewater sample indicate an exceedance of a discharge limit for fecal coliform bacteria set by this Discharge Permit, the permittee shall collect and submit for analysis a second sample within 24 hours after becoming aware of the exceedance. In the event the second sample results indicate that the discharge limit is continuing to be exceeded (i.e., confirmed exceedance), the contingency plan below shall be enacted.</p> <p><u>Contingency Plan</u></p> <ul style="list-style-type: none"> <li>a) Within 48 hours of becoming aware of a confirmed exceedance (as identified above), the permittee shall: <ul style="list-style-type: none"> <li>i) notify NMED that the contingency plan is being enacted; and</li> <li>ii) submit copies of the recent analytical results indicating an exceedance to NMED.</li> </ul> </li> <li>b) The permittee shall examine the operation and maintenance log, required by the Record Keeping conditions of this Discharge Permit, for improper operational procedures.</li> <li>c) The permittee shall conduct a physical inspection of the treatment system to detect abnormalities. Any abnormalities discovered shall be corrected. A report detailing the corrections made shall be submitted to NMED within 30 days following correction.</li> </ul> <p>If a facility is required to enact the contingency plan more than two times in a 12-month period, the permittee shall propose to modify operational procedures and/or upgrade the treatment process to achieve consistent compliance with the maximum and 30-day average discharge limits by submitting a Corrective Action Plan for NMED approval. The Plan shall include a schedule for completion of corrective actions and shall be submitted within 60 days following receipt of the analytical results confirming the exceedance. The permittee shall initiate implementation of the Plan following approval by NMED. Additional sampling of any stored treated domestic wastewater may be required by NMED in response to the submitted Corrective Action Plan.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
39.	<p>In the event that the LADS show that the amount of nitrogen in wastewater applied in any 12-month period exceeds 200 pounds per acre, the permittee shall propose the reduction of nitrogen loading to the land application area by submitting a Corrective Action Plan to NMED for approval. The Plan shall include a schedule for completion of corrective actions and shall be submitted within 90 days following the end of the</p>

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	<p>monitoring period in which the exceedance occurred. The permittee shall initiate implementation of the Plan following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
40.	<p>In the event that inspection findings reveal significant damage likely to affect the structural integrity of a lined impoundment or its ability to contain contaminants, the permittee shall propose the repair or replacement of the impoundment liner by submitting a Corrective Action Plan to NMED for approval. The Plan shall be submitted to NMED within 30 days after discovery by the permittee or following notification from NMED that significant liner damage is evident. The Corrective Action Plan shall include a schedule for completion of corrective actions and the permittee shall initiate implementation of the Plan following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
41.	<p>In the event that a minimum of two feet of freeboard cannot be preserved in an impoundment, the permittee shall take actions authorized by this Discharge Permit and all applicable local, state, and federal regulations to restore the required freeboard.</p> <p>In the event that two feet of freeboard cannot be restored within a period of 72 hours following discovery, the permittee shall propose actions to be immediately implemented to restore two feet of freeboard by submitting a short-term Corrective Action Plan to NMED for approval. Examples of short-term corrective actions include the pumping and hauling of excess wastewater from the impoundment or reducing the volume of wastewater discharged to the impoundment. The Plan shall include a schedule for completion of corrective actions and shall be submitted within 15 days following the date when the two feet of freeboard limit was initially discovered. The permittee shall initiate implementation of the Plan following approval by NMED.</p> <p>In the event that the short-term corrective actions failed to restore two feet of freeboard, the permittee shall propose permanent corrective actions in a long-term Corrective Action Plan submitted to NMED within 90 days following failure of the short-term Corrective Action Plan. Examples include the installation of an additional impoundment, or a significant/permanent reduction in the volume of wastewater discharged to the impoundment. The Plan shall include a schedule for completion of corrective actions and implementation of the Plan shall be initiated following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
42.	<p>In the event that a release (commonly known as a “spill”) occurs that is not authorized under this Discharge Permit, the permittee shall take measures to mitigate damage from</p>

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	<p>the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below.</p> <p>Within <u>24 hours</u> following discovery of the unauthorized discharge, the permittee shall verbally notify NMED and provide the following information.</p> <ol style="list-style-type: none"> <li>The name, address, and telephone number of the person or persons in charge of the facility, as well as of the owner and/or operator of the facility.</li> <li>The name and address of the facility.</li> <li>The date, time, location, and duration of the unauthorized discharge.</li> <li>The source and cause of unauthorized discharge.</li> <li>A description of the unauthorized discharge, including its estimated chemical composition.</li> <li>The estimated volume of the unauthorized discharge.</li> <li>Any actions taken to mitigate immediate damage from the unauthorized discharge.</li> </ol> <p>Within <u>one week</u> following discovery of the unauthorized discharge, the permittee shall submit written notification to NMED with the information listed above and any pertinent updates.</p> <p>Within <u>15 days</u> following discovery of the unauthorized discharge, the permittee shall submit a corrective action report/plan to NMED describing any corrective actions taken and/or to be taken relative to the unauthorized discharge that includes the following information.</p> <ol style="list-style-type: none"> <li>A description of proposed actions to mitigate damage from the unauthorized discharge.</li> <li>A description of proposed actions to prevent future unauthorized discharges of this nature.</li> <li>A schedule for completion of proposed actions.</li> </ol> <p>In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, the permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC.</p> <p>Nothing in this condition shall be construed as relieving the permittee of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC.</p> <p>[20.6.2.1203 NMAC]</p>
43.	In the event that NMED or the permittee identifies any failures of the discharge plan or this Discharge Permit not specifically noted herein, NMED may require the permittee

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	<p>to submit a Corrective Action Plan and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a Discharge Permit modification to achieve compliance with 20.6.2 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>

#### **D. CLOSURE PLAN**

##### ***Closure Actions with Implementation Deadlines***

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44.	<p>Within two years of the effective date of this Discharge Permit (by DATE), the permittee shall submit a plan to remove and dispose of sludge temporarily stored in Lagoon 4 to NMED for approval. The sludge removal and disposal plan shall include the following information.</p> <ol style="list-style-type: none"> <li>The estimated volume and dry weight of sludge to be removed and disposed, including measurements and calculations.</li> <li>Analytical results for samples of the sludge taken from the impoundment for TKN, NO<sub>3</sub>-N, percent total solids, and any other parameters tested (reported in mg/kg, dry weight basis).</li> <li>The method(s) of sludge <i>removal</i> from the impoundment.</li> <li>The method(s) of <i>disposal</i> for all of the sludge (and its contents) removed from the impoundment. The method(s) shall comply with all local, state and federal regulations, including 40 CFR Part 503. <i>Note: A proposal that includes the land application of sludge may be subject to Ground Water Discharge Permitting requirements pursuant to 20.6.2.3104 NMAC that are separate from the requirements of this Discharge Permit.</i></li> <li>A schedule for completion of sludge removal and disposal not to exceed four years from the effective date of this Discharge Permit (by date).</li> </ol> <p>The permittee shall initiate implementation of the plan within 30 days following approval by NMED.</p> <p>Following completion of sludge removal and disposal, the permittee shall complete liner repair and installation of a synthetic liner in the impoundment and return the impoundment to service in accordance with the requirements of this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC, 40 CFR Part 503]</p>

***Permanent Facility Closure Conditions***

#	Terms and Conditions
45.	<p>In the event the facility, or a component thereof, is proposed to be permanently closed, the permittee shall perform the following closure measures.</p> <p>Within <u>60 days</u> of ceasing to discharge to the impoundments, the line leading to the impoundments shall be plugged so that a discharge can no longer occur.</p> <p>Within <u>60 days</u> of ceasing to discharge to the impoundment(s), wastewater shall be discharged from the impoundment and any other wastewater system components to the land application area, as authorized by this Discharge Permit. The discharge of accumulated solids (sludge) from the impoundment to the land application area is prohibited.</p> <p>Within <u>90 days</u> of ceasing to discharge to the impoundment(s), the permittee shall submit a sludge removal and disposal plan to NMED for approval. The permittee shall initiate implementation of the plan within 30 days following approval by NMED. The sludge removal and disposal plan shall include the following information.</p> <ol style="list-style-type: none"> <li>The estimated volume and dry weight of sludge to be removed and disposed, including measurements and calculations.</li> <li>Analytical results for samples of the sludge taken from the impoundment for TKN, NO<sub>3</sub>-N, percent total solids, and any other parameters tested (reported in mg/kg, dry weight basis).</li> <li>The method of <i>sludge removal</i> from the impoundment(s).</li> <li>The method of <i>disposal</i> for all of the sludge (and its contents) removed from the impoundment(s). The method shall comply with all local, state and federal regulations, including 40 CFR Part 503. <i>Note: A proposal that includes the land application of sludge may be subject to Ground Water Discharge Permitting requirements pursuant to 20.6.2.3104 NMAC that are separate from the requirements of this Discharge Permit.</i></li> <li>A schedule for completion of sludge removal and disposal not to exceed two years from the date discharge to the impoundment(s) ceased.</li> </ol> <p>Within <u>one year</u> following completion of the sludge removal and disposal, the permittee shall complete the following closure measures.</p> <ol style="list-style-type: none"> <li>Remove all lines leading to and from the impoundment(s), or permanently plug and abandon them in place.</li> <li>Remove or demolish any other wastewater system components and re-grade area with suitable fill to blend with surface topography, promote positive drainage and prevent ponding.</li> <li>Perforate or remove the impoundment liner(s).</li> <li>Fill the impoundment(s) with suitable fill.</li> <li>Re-grade the impoundment site to blend with surface topography, promote positive</li> </ol>

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	<p>drainage and prevent ponding.</p> <p>The permittee shall continue groundwater monitoring until the requirements of this condition have been met and groundwater monitoring confirms for a minimum of eight consecutive quarterly groundwater sampling events that the standards of Section 20.6.2.3103 NMAC are not exceeded in groundwater.</p> <p>If monitoring results show that a groundwater quality standard in Section 20.6.2.3103 NMAC is exceeded in groundwater, the permittee shall implement the contingency plan required by this Discharge Permit.</p> <p>Following notification from NMED that post-closure monitoring may cease, the permittee shall plug and abandon the monitoring well(s) in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011.</p> <p>When all closure and post-closure requirements have been met, the permittee may submit a written request for termination of the Discharge Permit to NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC, 40 CFR Part 503]</p>

## E. GENERAL TERMS AND CONDITIONS

#	Terms and Conditions
46.	<p><b>RECORD KEEPING</b> - The permittee shall maintain a written record of:</p> <ul style="list-style-type: none"> <li>• information and data used to complete the application for this Discharge Permit;</li> <li>• any releases (commonly known as “spills”) not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC;</li> <li>• the operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater;</li> <li>• facility record drawings (plans and specifications) showing the actual construction of the facility and bear the seal and signature of a licensed New Mexico professional engineer;</li> <li>• copies of monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit;</li> <li>• the volume of wastewater or other wastes discharged pursuant to this Discharge Permit;</li> <li>• groundwater quality and wastewater quality data collected pursuant to this Discharge Permit;</li> </ul>

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	<ul style="list-style-type: none"> <li>• copies of construction records (well log) for all groundwater monitoring wells required to be sampled pursuant to this Discharge Permit;</li> <li>• the maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit; and</li> <li>• data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit, including:               <ul style="list-style-type: none"> <li>○ the dates, location and times of sampling or field measurements;</li> <li>○ the name and job title of the individuals who performed each sample collection or field measurement;</li> <li>○ the sample analysis date of each sample</li> <li>○ the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis;</li> <li>○ the analytical technique or method used to analyze each sample or collect each field measurement;</li> <li>○ the results of each analysis or field measurement, including raw data;</li> <li>○ the results of any split, spiked, duplicate or repeat sample; and</li> <li>○ a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used.</li> </ul> </li> </ul> <p>The written record shall be maintained by the permittee at a location accessible during a facility inspection by NMED for a period of at least five years from the date of application, report, collection or measurement and shall be made available to the department upon request.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>
47.	<p><b>INSPECTION and ENTRY</b> – The permittee shall allow inspection by NMED of the facility and its operations that are subject to this Discharge Permit and the WQCC regulations. NMED may upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which are located any records required to be maintained by regulations of the federal government or the WQCC.</p> <p>The permittee shall allow NMED to have access to and reproduce for their use any copy of the records, and to perform assessments, sampling or monitoring during an inspection for the purpose of evaluating compliance with this Discharge Permit and the WQCC regulations.</p> <p>Nothing in this Discharge Permit shall be construed as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other local, state or federal regulations.</p> <p>[Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]</p>

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48.	<p><b>DUTY to PROVIDE INFORMATION</b> - The permittee shall, upon NMED's request, allow for NMED's inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records.</p> <p>[Subsection D of 20.6.2.3107 NMAC]</p>
49.	<p><b>MODIFICATIONS and/or AMENDMENTS</b> – In the event the permittee proposes a change to the facility or the facility's discharge that would result in a change in the volume discharged; the location of the discharge; or in the amount or character of water contaminants received, treated or discharged by the facility, the permittee shall notify NMED prior to implementing such changes. The permittee shall obtain approval (which may require modification of this Discharge Permit) by NMED prior to implementing such changes.</p> <p>[Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]</p>
50.	<p><b>PLANS and SPECIFICATIONS</b> – In the event the permittee is proposing to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the permittee shall submit construction plans and specifications to NMED for the proposed system or process unit prior to the commencement of construction.</p> <p>In the event the permittee implements changes to the wastewater system authorized by this Discharge Permit that result in only a minor effect on the character of the discharge, the permittee shall report such changes (including the submission of record drawings, where applicable) as of January 1 and June 30 of each year to NMED.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
51.	<p><b>CIVIL PENALTIES</b> - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to \$15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to \$10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit.</p>

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	[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]
52.	<p><b>CRIMINAL PENALTIES</b> – No person shall:</p> <ul style="list-style-type: none"> <li>• make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or required to be maintained under the WQA;</li> <li>• falsify, tamper with or render inaccurate any monitoring device, method or record required to be maintained under the WQA; or</li> <li>• fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation.</li> </ul> <p>Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p>
53.	<p><b>COMPLIANCE with OTHER LAWS</b> - Nothing in this Discharge Permit shall be construed in any way as relieving the permittee of the obligation to comply with any other applicable federal, state, and/or local laws, regulations, zoning requirements, nuisance ordinances, permits or orders.</p> <p>[NMSA 1978, § 74-6-5.L]</p>
54.	<p><b>RIGHT to APPEAL</b> - The permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty days of the receipt of postal notice of this Discharge Permit and shall include a statement of the issues to be raised and the relief sought. Unless a timely petition for review is made, the decision of NMED shall be final and not subject to judicial review.</p> <p>[20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]</p>
55.	<p><b>TRANSFER of DISCHARGE PERMIT</b> - Prior to the transfer of any ownership, control, or possession of this facility or any portion thereof, the permittee shall:</p>

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	<ul style="list-style-type: none"><li>• notify the proposed transferee in writing of the existence of this Discharge Permit;</li><li>• include a copy of this Discharge Permit with the notice; and</li><li>• deliver or send by certified mail to NMED a copy of the notification and proof that such notification has been received by the proposed transferee.</li></ul> <p>Until both ownership and possession of the facility have been transferred to the transferee, the permittee shall continue to be responsible for any discharge from the facility.</p> <p>[20.6.2.3111 NMAC]</p>
56.	<p>PERMIT FEES - Payment of permit fees is due at the time of Discharge Permit approval. Permit fees shall be paid in a single payment or shall be paid in equal installments on a yearly basis over the term of the Discharge Permit. Single payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date. Initial installment payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date; subsequent installment payments shall be remitted to NMED no later than the anniversary of the Discharge Permit effective date.</p> <p>Permit fees are associated with <u>issuance</u> of this Discharge Permit. Nothing in this Discharge Permit shall be construed as relieving the permittee of the obligation to pay all permit fees assessed by NMED. A permittee that ceases discharging or does not commence discharging from the facility during the term of the Discharge Permit shall pay all permit fees assessed by NMED. An approved Discharge Permit shall be suspended or terminated if the facility fails to remit an installment payment by its due date.</p> <p>[Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]</p>